

September 16, 2011

AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
September 16, 2011

I. OPENING OF MEETING AT 11:00 A.M. AT 160 N. LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD ON AUGUST 19, 2011

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON AUGUST 19, 2011?

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions from Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	146.....	10
Agriculture	462.....	17
Arts Council	19.....	2
Capitol Development Board	46.....	0
Central Management Services	1,605.....	113
Children and Family Services.....	2,928.....	49
Civil Service Commission	4.....	0
Commerce & Economic Opportunity	430.....	67
Commerce Commission	79.....	0
Corrections	12,149.....	103
Criminal Justice Authority.....	61.....	5
Deaf and Hard of Hearing Comm.....	8.....	1
Developmental Disabilities Council	9.....	1
Emergency Management Agency	91.....	7
Employment Security	1,891.....	25
Environmental Protection Agency.....	901.....	16
Financial & Professional Regulation	469.....	42
Gaming Board	115.....	5
Guardianship and Advocacy	104.....	7
Healthcare and Family Services	2,248.....	27
Historic Preservation Agency.....	250.....	11
Human Rights Commission.....	14.....	2
Human Rights Department	150.....	8
Human Services.....	13,448.....	77
Illinois Sentencing Policy Advisory Council.....	1.....	2
Illinois Torture Inquiry Relief Commission	2.....	1
Insurance	255.....	12
Investment Board	3.....	1
Juvenile Justice.....	1,295.....	20
Labor	79.....	8
Labor Relations Board Educational.....	11.....	2
Labor Relations Board State.....	20.....	2
Law Enforcement Training & Standards Bd.	18.....	2
Medical District Commission.....	2.....	0
Military Affairs.....	122.....	3
Natural Resources.....	1,450.....	29
Pollution Control Board	21.....	1
Prisoner Review Board.....	19.....	0
Property Tax Appeal Board.....	29.....	1
Public Health	1,111.....	41
Racing Board.....	2.....	0
Revenue.....	2,036.....	62
State Fire Marshal	142.....	12
State Police.....	1,275.....	5
State Police Merit Board	5.....	1
State Retirement Systems	89.....	2
Transportation	2,366.....	0
Veterans' Affairs	1,306.....	8
Workers' Compensation Commission.....	174.....	8
TOTALS.....	49,460.....	818

B. Governing Rule – Section 1.142 Jurisdiction B Exemptions

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
 - 1) The amount and scope of principal policy making authority;
 - 2) The amount and scope of principal policy administering authority;
 - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
 - 4) The capability to bind the agency, board or commission to a course of action;
 - 5) The nature of the program for which the position has principal policy responsibility;
 - 6) The placement of the position on the organizational chart of the agency, board or commission;
 - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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C. Illinois Department of Insurance – Proposed Exemption (continued from 8/19/11)

Position Number	40070-14-16-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Information Technology
Functional Title	Information Technology Director
Incumbent	Vacant
Supervisor	Chief Deputy Director who reports to the Acting Director
Location	Sangamon County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

D. Illinois Department of Corrections – Proposed Exemption (continued from 8/19/11)

Position Number	40070-29-04-300-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Bureau of Operations
Functional Title	Central Deputy Director
Incumbent	Vacant
Supervisor	Chief of Operations, who reports to the Director
Location	Sangamon County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarity of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

E. Illinois Department of Corrections – Proposed Exemption (continued from 8/19/11)

Position Number	40070-29-06-100-10-01
Position Title	Senior Public Service Administrator
Bureau/Division	Correctional Industries
Functional Title	Illinois Correctional Industries (ICI) Financial Officer
Incumbent	Vacant
Supervisor	Chief Executive Officer who reports to the Director
Location	Sangamon County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarity of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

F. Illinois Department of Children & Family Services – Proposed Exemption

Position Number	40070-16-07-100-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Labor Relations
Functional Title	Chief Labor Relations Administrator
Incumbent	Vacant
Supervisor	Deputy Director of Human Resources, who reports to the Director
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

G. Illinois Department of Commerce & Economic Opportunity – Proposed Exemption

Position Number	40070-42-05-000-01-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Administration
Functional Title	Chief Administration Officer
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

H. Illinois Dept. of Natural Resources – Proposed Retroactive Reversal of Rescission

Position Number	40070-12-01-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Community Outreach
Functional Title	Manager, Office of Community Outreach
Incumbent	Jeffrey R. Jones
Supervisor	Director
Location	Cook County

CMS Recommendation: “At the November 19, 2010 meeting of the Civil Service Commission, the Commission acted to rescind the 4d(3) exemption status from numerous exempt positions due to extended vacancies. Unfortunately, due to administrative oversight, the above-referenced position actually had an active incumbent; Jeffrey Jones was appointed to the position effective March 1, 2010. However, due to a backlog in transactions processing, his information had not yet been posted to the system although the personnel transaction had been received by the Transactions Division.

If the Commission agrees to do so, it is requested that the reversal of the exemption rescission be effective November 19, 2010 to ensure this appointment remain in compliance with the Personnel Code and Rules.”

I. Illinois Department of Human Services – Proposed Rescission of Exemption (continued from 8/19/11)

Position Number	40070-10-72-000-00-21
Position Title	Senior Public Service Administrator
Bureau/Division	Division of Developmental Disabilities
Functional Title	Ludeman Assistant Center Director
Incumbent	Glenda Corbett
Supervisor	Chief Executive Officer who reports to the Director
Location	Cook County

CMS Recommendation: “Because the position will no longer meet the reporting criteria of the Commission, and due to the diminished authority now vested, the Department requests the 4d(3) exemption be removed.”

WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?

- C: Information Technology Director (Department of Insurance)**
- D: Central Deputy Director (Corrections)**
- E: Illinois Correctional Industries Financial Officer (Corrections)**
- F: Chief Labor Relations Administrator (Children & Family Services)**
- G: Chief Administration Officer (Commerce & Economic Opportunity)**

WILL THE COMMISSION RETROACTIVELY REVERSE THE RESCISSION OF EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION EFFECTIVE NOVEMBER 19, 2010?

- H: Manager, Office of Community Outreach (Natural Resources)**

WILL THE COMMISSION RESCIND THE EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION?

- I: Ludeman Assistant Center Director (Human Services)**

V. CLASS SPECIFICATIONS

- None submitted.

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WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY?

VI. MOTION TO GO INTO EXECUTIVE SESSION

PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT, WILL THE COMMISSION HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, AND/OR SPECIFIED EMPLOYMENT MATTERS?

VII. RECONVENE MEETING

VIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Appointment Reports.

Agency	7/31/11	8/31/11	8/31/10
Aging	1	1	0
Agriculture	5	4	0
Central Management Services	3	3	0
Children and Family Services	6	5	3
Commerce & Economic Opportunity	1	0	0
Employment Security	25	5	2
Healthcare and Family Services	5	4	1
Historic Preservation Agency	6	7	0
Human Services	12	2	0
Natural Resources	20	29	5
Property Tax Appeal Board	13	5	0
Revenue	1	1	0
State Fire Marshal	1	1	0
Transportation	1	1	0
Veterans' Affairs	1	1	0
Workers' Compensation Commission	2	1	0
Totals	103	70	11

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-48-11

Employee	Lamont L. Wallace	Appeal Date	05/02/11
Agency	Human Services	Decision Date	09/02/11
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Time abuse and tardiness	Proposal for Decision	Charges are partially proven and warrant discharge.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

RV-12-11 (CONSOLIDATED WITH RV-13-11)

Employee	Daniel Dyslin	Appeal Date	07/26/10
Agency	Human Services	Decision Date	08/23/11
Type	Rule Violation	ALJ	Andrew Barris
Allegation(s)	Mandatory Furlough Program violates Personnel Code Sections 302.500-302.610	Proposal for Decision	No violation.

Employee	Lois McCarthy	Appeal Date	07/26/10
Agency	Human Services	Decision Date	08/23/11
Type	Rule Violation	ALJ	Andrew Barris
Allegation(s)	Mandatory Furlough Program violates Personnel Code Sections 302.500-302.610	Proposal for Decision	No violation.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

X. MEETING SCHEDULE FOR CALENDAR YEAR 2012

WILL THE COMMISSION APPROVE THE FOLLOWING DATES (CHICAGO MEETINGS TO BEGIN AT 11:00 AM AND SPRINGFIELD MEETINGS TO BEGIN AT 1:30 PM) AS ITS MEETING SCHEDULE FOR CALENDAR YEAR 2012?

January 20, 2012	Chicago	July 20, 2012	Chicago
February 17, 2012	Chicago	August 17, 2012	Chicago
March 16, 2012	Chicago	September 21, 2012	Chicago
April 20, 2012	Chicago	October 19, 2012	Chicago
May 18, 2012	Springfield	November 16, 2012	Springfield
June 15, 2012	Chicago	December 21, 2012	Chicago

XI. FY 2011 ANNUAL REPORT

WILL THE COMMISSION APPROVE THE FISCAL YEAR 2011 ANNUAL REPORT?

September 16, 2011

XII. STAFF REPORT

XIII. ANNOUNCEMENT OF NEXT MEETING

The next regular meeting is to be held on Friday, October 21, 2011 at 11:00 a.m. in the Commission's Chicago office.

XIV. MOTION TO ADJOURN